

**Board of Registration of Real Estate Brokers and Salespersons
1000 Washington Street, Boston, MA 02118, Room 1C**

Public Minutes of the meeting held on May 10, 2017

Members Present:

Kevin Sears, Chair, Industry Member
Peter Ruffini, Industry Member
Stanley Zoll, Public Member

Administrative Staff Present:

Robert Fortes, Deputy Director
Charles Kilb, Board Counsel

Members Absent:

Kimberly Allard-Moccia, Industry Member
Neil St. Clair, Public Member

Meeting Called to Order - 10:30 a.m.: Kevin Sears, Chair, opened the meeting at 10:30 a.m.

Evacuation Procedures: Charles Kilb reviewed the Evacuation Plan.

Vote on Minutes of January 24, 2016: A motion to approve the minutes was made by Mr. Ruffini, seconded by Mr. Zoll, and adopted unanimously by the Board.

As part of the discussion, the Board noted that it held a special closed quasi-judicial session on April 5, 2017. Though no minutes are required, staff will provide a list of the cases and outcomes from that session for the record.

Next Meeting Date: Will be coordinated by staff.

Other Board Business:

Grace Period for use of the Board's old Mandatory Real Estate Licensee-Consumer Relationship Disclosure Form and Effective Date of Revised form.

At its prior meeting, the Board adopted a new Mandatory Real Estate Licensee-Consumer Relationship Disclosure Form based upon recommendations of a working group. The Board members noted that the changes were largely aesthetic. Based in part on the advice of counsel, the members generally agreed that a two year window would be sufficient time to provide notice to the industry of the new form through language in license renewals, updates to the Board's website, and notices through private industry associations. A motion to provide a two year grace period before mandating the use of the revised form was made by Mr. Ruffini and seconded by Mr. Zoll, this motion was adopted unanimously by the Board.

Matters not reasonably anticipated 48 hours prior to the meeting:

Mr. Zoll inquired about the status of a proposed course submitted to the education subcommittee. It was noted that the subcommittee cancelled its last meeting and the subcommittee is chaired by Kimberly Allard-Moccia who was absent from the meeting, thus no further information was available, however, the members will be notified when a new meeting is scheduled.

The Chair inquired as to whether the Board could consider reviewing potential changes to its regulations governing escrow requirements. Board Counsel Mr. Kilb noted that the Board is free to at least discuss future regulation changes, not just in escrow, but in other areas where updates are needed. By unanimous consent, the next Board meeting will have an agenda item for the Board to begin discussing different areas in the regulations which may be ripe for amending.

Executive Session - Closed Session under M.G.L c. 30A, §21

At 11:05 a.m., the Chair noted that the Board would need to enter a closed executive session to discuss license applicants character, rather than competence. The chair estimated that the executive session would last approximately two hours, however the Board would only return to open session for purposes of entering other forms of closed sessions, no further items would be discussed in the open meeting until adjournment.

A motion to enter into Executive Session was made by Mr. Ruffini, seconded by Mr. Zoll. This motion was passed by a roll call vote:

MEMBER	YEA	NAY	ABSENT	RECUSED	ABSTAINED
Kevin Sears	X				
Peter Ruffini	X				
Stanley Zoll	X				
Kimberly Allard-Moccia			X		
Neil St. Clair			X		

See separate minutes for Executive Session actions

At 1:45 p.m., the Board returned to open session.

Investigative Conference - Closed Session under M.G.L c. 112, §65C

A motion to enter into Investigative Conference was made by Mr. Ruffini, seconded by Mr. Zoll and adopted unanimously by the Board. While in Investigative Conference, the Board took the following action(s):

- a. **Reconsideration of Complaint Dismissal: 2016-000958-IT-ENF:** The Board affirmed the prior dismissal of this action.

- b. **Prosecutor Mary Pixley: 2015-0622482-IT-ENF/2015-0624483-IT-ENF:** The Board provided the Prosecutor with guidance regarding settlement.
- c. **Prosecutor Jenna Hentoff: 2016-000397-IT-ENF:** The Board agreed to dismiss this matter without prejudice.
- d. **Prosecutor Shara Benedetti: 2016-000036-IT-ENF:** Withdrawn from consideration, no action taken.
- e. **Prosecutor Stephanie Bennett:**
 - 1. **2014-1201015-IT-ENF:** The Board provided the Prosecutor with guidance regarding settlement.
 - 2. **2016-000109-IT-ENF:** The Board agreed to dismiss this matter without prejudice.
- f. **Prosecutor Seth Henderson:**
 - 1. **2014-1008146-IT-ENF:** The Board provided the Prosecutor with guidance regarding settlement.
 - 2. **2014-1008147-IT-ENF:** The Board provided the Prosecutor with guidance regarding settlement.
 - 3. **2015-0923115-IT-ENF:** The Board provided the Prosecutor with guidance regarding settlement.
 - 4. **2015-001490-IT-ENF:** The Board provided the Prosecutor with guidance regarding settlement.

Meeting Adjournment (3:05 p.m.): Mr. Ruffini made a motion to adjourn the meeting, seconded by Mr. Zoll, and adopted unanimously by the Board.

List of Documents used in open session:

- 1. Agenda dated May 10, 2017
- 2. Minutes dated January 24, 2017



Kevin Sears, Chair
Board of Registration of Real Estate Brokers and Salespersons